

Although this case is currently stayed, three Motions To Dismiss remain pending. (Document Nos. 47, 51, 54). “[D]istrict courts have the inherent authority to manage their dockets...with a view toward the efficient and expedient resolution of cases.” Moss v. City Hosp., Inc., No. 3:19-CV-187, 2020 WL 12584435, at *2 (N.D. W. Va. Nov. 10, 2020) (quoting Dietz v. Bouldin, 136 S.Ct. 1885, 1892 (2016)); see also Brown v. Wellpath, No. 3:24-CV-480-FDW-SCR, 2025 WL 240950 (W.D.N.C. Jan. 16, 2025) (administratively denying motions to dismiss without prejudice to refile after the bankruptcy stay is lifted).

Accordingly, the undersigned respectfully recommends that the pending motions to dismiss (Document Nos. 47, 51, 54) be administratively denied without prejudice and that Defendants be permitted to refile motions to dismiss, if appropriate, after the stay is lifted.

II. RECOMMENDATION

FOR THE FOREGOING REASONS, the undersigned respectfully recommends that “Mecklenburg County’s Motion To Dismiss Plaintiff’s First Amended Complaint” (Document No. 47), “Defendant Crystal Ballard And Wellpath, LLC’s Motion To Dismiss Plaintiff’s First Amended Complaint” (Document No. 51), and “Defendants Garry McFadden, Larisha Brown, and Unique Phillips’s Motion To Dismiss Amended Complaint” (Document No. 54) be administratively **DENIED WITHOUT PREJUDICE**.

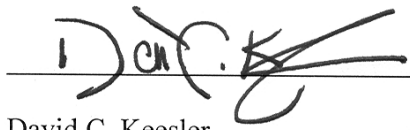
III. TIME FOR OBJECTIONS

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the proposed findings of fact, conclusions of law, and recommendation contained herein may be filed within **fourteen (14) days** of service of same. Responses to objections may be filed within fourteen (14) days after service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum and

Recommendation with the District Court constitutes a waiver of the right to *de novo* review by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005); United States v. Benton, 523 F.3d 424, 428 (4th Cir. 2008). Moreover, failure to file timely objections will preclude the parties from raising such objections on appeal. Id. “In order ‘to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.’” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quoting United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007)).

IT IS SO RECOMMENDED.

Signed: February 24, 2025



David C. Keesler
United States Magistrate Judge

